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The opinion does not contain the slightest implication that if there had been a conflict, the State law would have prevailed. One can with difficulty resist the conclusion that Mr. Tucker's reasoning from this and the earlier cases is as follows: when the treaty is enforced, the State law is not struck down; when, however, the State law is enforced (although there is no question as to supremacy), the court would, if necessary, have struck down the treaty. The most conspicuous illustration of this tendency to twist authority is in the chapter on the Japanese-California Controversies. Mr. Tucker coolly cites President Wilson and Secretary Bryan in support of his view that the California land tenure law was supreme as against the treaty, when, from the diplomatic correspondence quoted, such a conclusion does not appear remotely valid.

This necessarily brief summary will serve to show the general character of Mr. Tucker's arguments. His work is painstaking, scholarly, and clearly and simply written. The conclusion is inevitable, however, that the book is a piece of special pleading rather than a scientific treatise.

LINDSAY ROGERS.

*Austria-Hungary and the War.* By ERNEST LUDWIG, with an introduction by Dr. Constantin Theodor Dumba. (New York: J. S. Ogilvie. 1915. Pp. 217, with two appendices.)

A voluminous literature has arisen already concerning the present European war and its causes. Unfortunately much of it has been done too hastily, with little regard for the historical, political and economic background and without a serious attempt at genuine historical research among official or authentic sources. And far too large a proportion of it has been penned to defend the position or action of this or that belligerent. It takes a skillful reader these days to pick out what is really "worth while," for the number of books and articles now being written on this war, which will survive the test of time and investigation, is not likely to be large.

In writing *Austria-Hungary and the War*, Herr Ludwig was fulfilling a patriotic duty. He is the imperial and royal consul of Austria-Hungary in Cleveland, Ohio; and, his magazine articles on this subject being returned unused by American editors, he prepared this work because "we would like to convince the American public that this war is not of our making." The publishers announce that the "book contains a comprehensive presentation of the political forces and his-

torical developments which led to the initial clash of arms," and the title hints at something of the same character. But both statements are misleading. The author writes: "I have no intention to argue here on the question who started this war. Developments in this war-drama have not yet reached the stage where anybody could have in an unbiased way collected all evidence referring to this point." And he says nothing on the vital question of the relation of the Servian conflict at the outbreak of the European war. His evident intention is to utilize the information at his disposal in proving two things: that the note to Serbia was not brutal and that Serbia was responsible for the Sarajevo murders and the Austro-Servian war. He has given us an interesting and well-written account of the Austrian case against Serbia; but his methods are curious.

He discusses the Servian note controversy before taking up the Sarajevo trial, and the historical claims of Serbia to Bosnia after finishing the chapter on the trial. His opening chapter is mainly composed of interesting impressions gathered during his homeward journey through Germany and Austria at the opening of the war; while the final chapter on "Economic war conditions in Austria-Hungary" has little to do with the real purpose of his work. And, out of the 198 pages of the text, only 85 are devoted to the Austro-Servian crisis: the theme which justifies the volume. With the exception of the German *White Book* and the records of the Sarajevo trial, from which last, however, he makes no direct quotations, Herr Ludwig bases his study entirely on secondary sources, newspapers and information received from influential friends. Unfortunately he seems not to have had access either to the Austrian or Servian official documents and correspondence.

The author evidently tries to be fair and tells a straight-forward story; but he errs in believing that the world will free Austria from all blame in the matter on his simple demonstration, based on somewhat doubtful and altogether untested evidence, that Serbia was planning deliberately to disrupt the Austro-Hungarian monarchy. No discussion of this question can be convincing that ignores the three fundamental factors on which any intelligent study of this controversy must rest: the southern Slav problem, the economic competition in the Balkans and the Austro-Russian competition in southeastern Europe. Herr Ludwig says something about Ruthenians and Poles, but nowhere do we find a discussion of the Croat-Serbs, their struggles for local autonomy and their relations to the other Serb peoples of the Balkans. Neither is there an account of the long economic conflict

between Austria and Serbia, which became a matter of life or death to the Servian nation; or mention of the bitter press campaigns in both countries, that aroused suspicion, anger and revenge on both sides. No hint is given that it was quite as possible for the Servians to believe that Austria was planning to destroy their state, as it was for Austrians to suspect Serbia of plotting to disrupt the Austro-Hungarian monarchy. The author has a chapter on "The Great Russian Propaganda in Galicia Bukovina and the Northwest District of Hungary before the War," but he enters upon no intelligent study of the Russo-Austrian economic and commercial competition in the Balkans.

Another weakness in his argument lies in the failure to discriminate between the acts of religious and other societies, and of individuals, and those of the government. Accusations against rulers and men at the head of governments are easy of inference, but most difficult to prove. That the Russian government should be held responsible for the activities of the "Slavic Benevolent Society," of the Russian clericals and of Count Wladimir Bobrinski or other Pan-Russians, does not necessarily follow, any more than that the German government should be held accountable for all the deeds and propaganda of the Pan-Germans. Nor is the evidence that certain members of the Narodna Odbrana, a Servian secret society, are shown to have organized the attempt on the life of the Archduke, sufficient proof that the Servian government and nation were behind the movement.

And Herr Ludwig has evidently not a high estimate of the intelligence of his readers, for he tells them what to think on each point at issue and puts in italics every sentence that seems important to him. He expects to convince the world of the intrinsic wickedness and corruption of the Servian nation by printing a list of sixteen murders of royal or public characters, committed in that country between the tenth and the twentieth centuries, of which, however, only three have occurred since the sixteenth century. It is not improbable but that, with an equal display of industry, one could compile a similar list of political or dynastic crimes perpetrated in the neighboring kingdoms of Russia, Turkey and Austria during the same period. Even in the most recent times these greater nations have not been entirely free from crimes of a political nature.

The chapter on the "Sarajevo Trial" contains a good deal of interesting information new to American readers and would have been the author's most valuable contribution but for his inability to sift the

evidence with clearness and discrimination. He accepts the unconfirmed testimony of criminals and witnesses and the statements of the prosecuting attorney without question. He shows that all the young men under trial for the royal murders were under age, and that all the witnesses on the origin of the crime were students, minor officials, persons of little reputation or importance and Austrian police spies. The existence of war between Austria and Servia prevented the bringing in of any reliable Servian witnesses, or of any important personages intimately acquainted with the work of the "Narodna Odbrana"—the secret society chiefly implicated in the conspiracy against the Archduke Franz Ferdinand. On the testimony of such witnesses and without waiting for the test of a higher court where the Servians might have an opportunity of entering a defense, the author is prepared to accept the pronouncement of the prosecuting attorney that "Servian state ministers, high officers of the army and the Servian Crown Prince himself had had personal and frequent intercourse with the hired murderers of the Austro-Hungarian Crown Prince," that Servia was the instigator of the murder," and that Servia "had been instigated by another higher up, by the despotic Empire of the Czar." But no valuable evidence is produced in the author's account of the trial to prove the complicity of Russia, of the Servian government or of its ministers of state. The only thing that can be said to have been established, as a result of the deliberations on this case, is that the plot probably originated with certain members of the "Narodna Odbrana" and some officers in the Servian army. The young boys who committed the dastardly attack on the Archduke and his wife, were their tools acting under the excitement of national hatred, conspiracy and a misguided spirit of patriotism. The condemnation of the Servian Crown Prince is based on the statement of one of the youthful criminals that he was received in audience by the Crown Prince when in Belgrade a month before the assassination, and on the testimony of an unnamed witness who claimed that the Crown Prince had received two students from Croatia during a student convention at Belgrade in 1912, one of whom—Luca Jukic—made an attempt later to take the life of Baron Skerlec Ban of Croatia. All travelers to Servia and Montenegro know how easy it is to secure an audience with members of the royal families of those countries. And it is not beyond the bounds of probability, that a prominent member of the "Narodna Obdrana" might have introduced the young revolutionist to the Prince in order to impress the student with the importance of his task, without the Prince in any

way being cognizant of the contemplated plot. Prosecuting attorneys may point the finger of accusation at the Servian royal family on such unsupported evidence, but it is far from probable that any court of law would pass sentence on the Crown Prince without further evidence from more credible and important witnesses concerning the nature of the interviews and the connection of the Prince and the government with the "Narodna Odbrana" and the Servian conspirators named in the notes of the trial.

This volume proves again the futility of the numerous attempts to explain: "Why England is at war," "Germany's case," or "Austria's position" without the proper background of historic knowledge and a serious attempt at modern research. What Americans want—what all fair-minded persons desire—is not a hasty and untested statement of Austria's case or a polemic in defense of Servia, but a thorough, impartial and scientific study, based as far as possible on official sources and documents, of the whole complicated situation and the events leading up to the murder of the Archduke. As such a work cannot be performed successfully until some time after the war is over, it will be better to withhold final judgment in the Austro-Servian controversy for the present.

N. DWIGHT HARRIS.

*Les Finances de Guerre de L'Angleterre.* By GASTON JÈZE, Professeur-adjoint a la Faculté de Droit de L'Université de Paris. (Paris: Giard et Brière. 1915. Pp. 248.)

One of the results of the European war has been an extraordinary output of new publications dealing with almost every conceivable question to which the great conflict has given rise. Most of them so far have been of a rather popular character and for the most part polemic. The present study by an acknowledged master in the field of public finance is a notable exception in this respect. It is neither controversial nor popular in character, but is a serious study of English war finance and it bears the evidences of careful research and learning which characterize the numerous publications which its distinguished author has brought out in recent years. While the present study is not a general treatise on war finance, it is by no means without observations on what is and what is not sound financial policy in time of war. And although primarily a study of present English war finance, it is not wholly so; as a suitable background for the present study the